

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 6

January 31, 2000

**SUBJECT: RISK MANAGEMENT DIVISION - ESTABLISHED**

**PURPOSE:** In theory, risk management is the identification and prevention or reduction of predictable losses to the organization. In practice, risk management is a systematic, proactive approach to the reduction of adverse consequences associated with organizational operations.

Risk Management Division (RMD) was established to improve management oversight and increase the Department's emphasis on risk management concerns. This Order informs Department employees that RMD has been established and that Legal Affairs Section has been deactivated.

**PROCEDURE:**

- I. **RISK MANAGEMENT DIVISION - ESTABLISHED.** Risk Management Division is activated under Employee Relations Group (ERG), Human Resources Bureau.
- II. **RISK MANAGEMENT DIVISION - FUNCTION.** Risk Management Division provides investigative support and liaison to the Office of the City Attorney in response to pending or active civil claims and lawsuits related to police actions, and coordinates responses to civil discovery requests. Also, RMD develops, implements, and coordinates Department-wide risk management programs and strategies to reduce liability exposure, while providing accurate and timely risk management information to Department managers.
- III. **RISK MANAGEMENT DIVISION - ORGANIZATION.** Risk Management Division shall consist of:
  - \* Office of the Commanding Officer;
  - \* Administrative Unit;
  - \* Risk Management Unit;
  - \* Claims Unit;
  - \* Investigative Section;
    - a. Employee Relations Unit
    - b. Civil Investigation Unit
  - \* Discovery Section.
- IV. **RISK MANAGEMENT DIVISION - COMMANDING OFFICER.** The Commanding Officer, RMD, under the direction of the

Commanding Officer, ERG, exercises line command over the operations of RMD and exercises staff responsibility over matters within the jurisdiction of RMD. The commanding officer also acts as the Risk Management Chief Investigator at the scene of Department-involved incidents having the potential to generate civil liability.

V. **RISK MANAGEMENT DIVISION - SPECIAL DUTIES.** Risk Management Division is responsible for the following special duties:

- \* Developing, reviewing, coordinating, and standardizing Department-wide legal training in civil law, search and seizure, evidence, criminal procedure, risk management, and, civil liability;
- \* Responding to all requests for Department documents in Council matters, lawsuits, claims and settlements;
- \* Providing Department documents to outside entities in compliance with the Public Records Act;
- \* Providing advice to Department employees regarding civil liability;
- \* Providing civil investigative support to the Office of the City Attorney by investigating civil claims or lawsuits against the City relating to actions by Department employees;
- \* Representing the Department in small claims actions against the Department;
- \* Notifying an employee's commanding officer of the dates of scheduled duty-related civil proceedings to ensure employee attendance;
- \* Monitoring lawsuits involving, or of interest to, the Department;
- \* Accepting subpoenas duces tecum, pre-trial discovery motions, and court orders served on the Department and routing such processes to the appropriate Department entities;
- \* Forwarding all civil subpoenas received for officers and private persons to the involved divisions;
- \* Maintaining liaison with the City and District Attorneys' Offices concerning civil litigation involving the Department (except in cases involving worker's compensation);
- \* Representing the Department as the officially designated Custodian of Records in civil court proceedings relating to request for production of police personnel records;
- \* Coordinating the delivery of records and reports to court in response to court orders, and testifying to

- the confidential and protected status of such documents;
- \* Recording and responding to the receipt of legal processes, and coordinating court appearances to such processes;
  - \* Determining the confidential nature of items requested by legal processes, and coordinating the activities concerning the production of evidence or records in court;
  - \* Providing training and information on the proper release of documents relating to civil law, Pitchess Motions, and The Public Records Act;
  - \* Maintaining liaison with outside agencies concerning trends in civil litigation;
  - \* Providing staff support to the Risk Management Executive Committee;
  - \* Reviewing and approving all Department training bulletins and videos, and obtaining the City Attorney's review prior to publication;
  - \* Identifying, collecting, analyzing, processing, tracking, and disseminating information on risk management and liability issues likely to affect the Department;
  - \* Developing and maintaining a system designed to identify liability trends and issues;
  - \* Receiving, for preliminary investigation, all claims for damages against the Department and Department personnel resulting from on-duty activities;
  - \* Investigating and making recommendations for resolving disputed claims to property held by the Department;
  - \* Providing information to the Office of the City Attorney concerning Department policies, procedures, practices, and personnel;
  - \* Responding to special discovery requests from the Chief of Police;
  - \* Providing twenty-four hour response to incidents involving the Department that have the high potential for liability or litigation;
  - \* Responding to inquiries concerning the effect of existing law and legal decisions on the Department;
  - \* Researching, reviewing, and requesting formal City and District Attorneys' opinions;
  - \* Preparing and publishing periodic Legal Bulletins and notices pertaining to case and statute laws;
  - \* Maintaining the Department's law library;
  - \* Maintaining a master file of all motions and subpoenas duces tecum received;
  - \* Maintaining the Department's legal processes log; and,

- \* Maintaining liaison with other law enforcement agencies and City risk management personnel.

**Exception:** The following entities shall receive and coordinate responses to legal processes relating to matters within their areas of responsibilities:

- \* Board of Police Commissioners;
- \* Property Claims Officer, Property Division;
- \* Narcotics Division;
- \* Organized Crime and Vice Division;
- \* Detective Support Division; and,
- \* Anti-Terrorist Division.

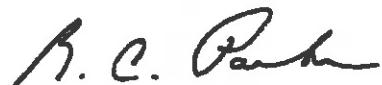
**VI. RISK MANAGEMENT DIVISION - UNIT DESIGNATION.** The radio unit designation for RMD shall be 15H.

**VII. RISK MANAGEMENT DIVISION - CORRESPONDENCE REFERENCE NUMBER.** Risk Management Division is assigned correspondence Reference Number 2.1.1. Official correspondence addressed to, or initiated by, RMD shall bear the assigned reference number.

**VIII. LEGAL AFFAIRS SECTION - DEACTIVATED.** Legal Affairs Section is deactivated and is replaced by RMD.

**AMENDMENTS:** This Order amends Sections 2/065, 2/185.5, 2/214.27, 2/570.05, 2/580, 2/580.10, 2/580.15, 3/210.63, 3/211.45, 3/211.47, 3/218.30, 3/218.60, 3/406.10, 3/408.27, 3/425.10, 3/425.20, 3/425.30, 3/780.40, 3/782.10, 3/782.30, 3/782.50, 4/110.20, 4/284.35, and 5/30.50 of; and deletes Sections 2/208, 2/680.10, 2/680.15, 2/680.20, 5/080.96; and adds Sections 2/580.20 to the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Human Resources Bureau, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.



BERNARD C. PARKS  
Chief of Police

DISTRIBUTION "A"